

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

AARON D. SEYMOUR,

Plaintiff,

v.

DOE 1, et al.,

Defendants.

No. 1:22-cv-01146 GSA (PC)

ORDER DENYING IN ITS ENTIRETY
MOTION TO INVESTIGATE

(ECF No. 9)

ORDER DENYING MOTION FOR
CONTEMPT

(ECF No. 11)

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Before this Court are Plaintiff's two motions, for the court to investigate his prison and for contempt. ECF Nos. 9, 11, respectively. For the reasons stated below, both motions will be denied.

I. MOTION FOR COURT TO INVESTIGATE

In Plaintiff's motion to investigate, he states that the prison in which he is currently incarcerated is opening his mail from the Court. As a result, he asks the Court to investigate and determine who is responsible for doing so. See ECF No. 9. Plaintiff also asks the Court to send him a schedule of dates of the events in this case. Id.

1 Plaintiff's motion must be denied. Even if the Court had proper jurisdiction over the
2 prison officials who have allegedly opened his court mail,¹ Plaintiff is advised that court mail is
3 not *legal* mail. Keenan v. Hall, 83 F.3d 1083, 1084 (9th Cir. 1996), opinion amended on denial of
4 reh'g, 135 F.3d 1318 (9th Cir. 1998) (citing Martin v. Brewer, 830 F.2d 76, 78 (7th Cir. 1987)).
5 As a result, by opening mail sent to Plaintiff from this Court, prison officials have not violated his
6 rights.

7 As for Plaintiff's request that the Court send him dates of events in this case, because this
8 case has not been served, there are no court dates at this time. For these reasons, this motion will
9 be denied in its entirety.

10 II. MOTION FOR CONTEMPT

11 In Plaintiff's motion for contempt, he asks that this Court be held in contempt because
12 despite the fact that his trust fund account is being debited for the filing fee in this case, his
13 complaint has not been screened. See generally ECF No. 1. This, Plaintiff argues, is a clear
14 violation of his due process rights. Id. at 1.

15 This motion will also be denied. The Eastern District of California carries one of the
16 largest and most heavily weighted caseloads in the nation.² Accordingly, any delay in the
17 proceedings in this case is simply reflective of this fact.

18 Furthermore, although Plaintiff has a constitutional right to access to the courts, this right
19 does not extend to the issuance of a judicial determination of civil claims within a prescribed
20 period of time. See Los Angeles Cnty Bar Ass'n v. Eu, 979 F.2d 697, 706-707 (9th Cir. 1992)
21 ("[W]e are unwilling to suggest that the Constitution may dictate or even countenance a time limit
22 on the consideration a judge may give to a civil case."); S.E.C. v. Boyd, No. 95-cv-03174 MSK

23 ¹ Because an operative complaint with cognizable claims and named defendants has yet to be
24 determined and served in this case, the Court has no jurisdiction to order any prison official to
act.

25 ² See Office of the Clerk, United States District Court, Eastern District of California, 2023
26 Annual Report, "Workload Statistics," p. 33 (2023) ("[O]ur weighted caseload far exceeds the
national average . . . ranking us seventh in the nation and first in the Ninth Circuit."). This
27 problem is compounded by a shortage of jurists to review its pending matters. See generally id.
28 (stating 2024 Biennial Judgeship Survey recommended request for four additional permanent
judgeships for Eastern District of California).

1 MJW, 2012 WL 1060034, at *2 (D. Colo. Mar. 29, 2012) (citing Los Angeles Cnty Bar and
2 noting absence of decision recognizing right to judicial determination within prescribed period of
3 time). For these reasons, the motion for sanctions will also be denied.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Plaintiff's motion for the court to investigate the prison (ECF No. 9) is DENIED in its
6 entirety, and

7 2. Plaintiff's motion for contempt (ECF No. 11) is DENIED.

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10 IT IS SO ORDERED.

11 Dated: March 13, 2024

12 /s/ Gary S. Austin
13 UNITED STATES MAGISTRATE JUDGE

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